

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/2/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMORANDUM ENDORSED

JANELYS HERNANDEZ, on behalf of herself and all
others similarly situated

Plaintiff,

-against-

WARM GLOW CANDLE COMPANY,

Defendant.

Case No. 1:22-cv-7767 (GHW)

NOTICE OF MOTION BY DEFENDANT WARM GLOW CANDLE COMPANY TO DISMISS PLAINTIFF'S COMPLAINT

PLEASE TAKE NOTICE that, upon Plaintiff's Complaint, filed on September 12, 2022 (Dkt. 1); the accompanying Memorandum of Law and Declaration of Justin Burkhardt, submitted herewith; and upon all prior papers and proceedings herein, Defendant Warm Glow Candle Company will move this Court, before the Honorable Gregory H. Woods, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 12C, New York, New York 10007, on a date and time designated by the Court, pursuant to Federal Rule of Civil Procedure 12(b)(2) for an Order dismissing the Complaint in its entirety with prejudice and granting such other and further relief as this court may deem just and proper.

Respectfully Submitted,

/s/ Julia R. Livingston

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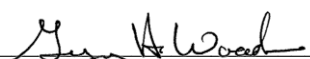
*Attorneys for Defendant Warm Glow Candle
Company.*

Application denied. In the Court's order dated September 15, 2022, counsel was directed to review and comply with the Court's Individual Rules of Practice in Civil Cases. Dkt. No. 5. Pursuant to the Court's Individual Rule 2(C), pre-motion submissions are required for motions to dismiss. Defendant did not file a pre-motion submission before filing a motion to dismiss on December 1, 2022. Dkt. No. 17. Accordingly, that motion is denied without prejudice. If defendant wishes to renew its motion at a later date, it is directed to do so in compliance with the Court's Individual Rule 2(C).

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 17.

SO ORDERED.

Dated: December 2, 2022
New York, New York


GREGORY H. WOODS
United States District Judge